



**CITY OF SUNNYVALE
REPORT
Planning Commission**

March 28, 2005

SUBJECT: **2005-0068 – Metro PCS** [Applicant] **City of Sunnyvale**
[Owner]: Application on a 3.1-acre site located at **704 Daffodil Court** (in Braly Park) in a P-F (Public Facility) Zoning District.

Motion Use Permit to allow co-location on a 3.1-acre site, installing a telecommunications antenna on a PG&E tower where three carriers are currently located on the site.

REPORT IN BRIEF

Existing Site Conditions City park

Surrounding Land Uses

North	Braly Municipal Park
South	Single Family Residences
East	Braly Elementary School
West	Duplex and Multi-family Residences, across Sunnyvale East Channel

Issues None

Environmental Status A Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



704 Daffodil Ct Use Permit

0 390 780 1,560 Feet



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Park	Same	Park
Zoning District	Public Facility (PF)	Same	Public Facility (PF)
Lot Size (s.f.)	3.1 acres	Same	none
Height of Antennas (ft.)	N/A	105'-6"	No max.
DPR Shed area to hold equipment (s.f.)	157.5	220.5	450 max. (w/o Use Permit)
Shed Height (ft.)	8' 10"	8' 10"	30 max.
Setbacks (ft.)			
• Shed to residential property	44'	38'	10' min.

ANALYSIS**Description of Proposed Project**

The applicant, MetroPCS, proposes installation of three panel antennas to be mounted on an existing PG&E tower with associated ground equipment. The antennas would be painted a non-reflective grey to match the color of the tower. The tower currently holds transmission antennae for three other telecommunication companies, namely Cingular Wireless, Sprint and AT&T. The project includes enlarging an existing shed located at the base of the tower to install their associated ground equipment. The existing shed is currently used by the City's Parks and Recreation Department to store grounds maintenance equipment.

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2003-0894	Co-location of telecomm. antennas on existing tower with associated ground equipment.	Staff / Approved	1/9/04

Although the Sunnyvale Municipal Code only requires a Miscellaneous Plan Permit for antennas mounted on an existing electrical transmission tower, the Code requires a major use permit for two or more multi-users co-located on an existing tower.

Environmental Review

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (see Attachment 3, Initial Study).

Use Permit

Use: The proposed antennas to be mounted on an existing tower would be used by MetroPCS customers in the vicinity for cell phone transmission. Once the construction of the PCS facility is complete and the telephone switching equipment is fine-tuned, visitation to the site by service personnel for routine maintenance will occur an average of once a month.

Site Layout: Braly Park consists of approximately 5.6 acres of primarily open space. Two PG&E towers and the existing Parks and Recreation Department equipment shed are located on the southwest portion of the park. The proposed antennas would be located on the southeast tower, with the base of the antennas 105 feet from the ground. The ground equipment would be located in an expanded area of the equipment shed.

Ground Equipment: The expanded equipment shed would be used to house the MetroPCS equipment cabinets. The applicant has verified that the ground equipment would pose no health risk to City staff or others who may work in the vicinity of the equipment shed. The applicant has proposed to expand the footprint of the existing shed by 63 square foot and not to alter the plan design of the shed.

Radio Frequency (RF) Emissions Exposure: The RF Emissions Report (see Attachment F) provides information on the proposed total radio frequency emissions from the tower, including the existing carriers. According to the report, addition of the proposed antenna would result in a total emissions (all four carriers) of 0.42% of the public exposure limit for someone at a ground level location, and 0.62% of the public exposure limit for someone situated in the second story of the nearest home (at least 40 feet away). Both projected readings are well below the allowable exposure limits.

To ensure the facility does not exceed federal guideline emission standards, staff recommends that the applicant take two readings of radio frequency

emissions: one before the facility is constructed (to take the ambient level of existing emissions) and one after the facility is complete and operating at full capacity. These readings should be taken at each property line and submitted to the Director of Community Development in order to ensure the facility meets federal standards (Condition 1.J.).

Existing Landscaping: This project does not propose removal of any existing protected heritage trees. Protected trees are those that measure 38 inches or greater in circumference when measured at four feet from the ground.

Conclusion

Compliance with Development Standards/Guidelines: This project complies with all development standards and guidelines.

Expected Impact on the Surroundings: The radio frequency emissions will meet applicable standards and no notable impacts are expected. The antennas and small addition to the existing shed would have a minimal visual impact.

Staff Discussion: The applicant's goal of providing service to the surrounding residential area is consistent with the current needs of wireless companies. Given the minimal impacts, staff does not anticipate undesirable impacts of the project.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> Published in the <i>Sun</i> newspaper Posted on the site 435 notices mailed to the property owners and residents within 300 ft. of the project site, including other telecommunication carriers located on the tower. 	<ul style="list-style-type: none"> Posted on the City of Sunnyvale's Website Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> Posted on the City's official notice bulletin board City of Sunnyvale's Website Recorded for SunDial

Findings, General Plan Goals, and Conditions of Approval

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Use Permit. Findings and General Plan Goals are located in Attachment 1.

Conditions of Approval: Conditions of Approval are located in Attachment 2.

Alternatives

1. Approve the Use Permit with attached conditions.
2. Approve the Use Permit with modified conditions.
3. Do not approve the Use Permit.

Recommendation

Alternative 1.

Prepared by:

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Project Planner

Reviewed by:

Gerri Caruso
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Negative Declaration
- D. Site and Architectural Plans
- E. Letter from the Applicant
- F. RF Emissions Report

Recommended Findings - Use Permit

Goals and Policies that relate to this project are:

Telecommunications Policy Goal B: Promote universal access to telecommunications services for all Sunnyvale citizens.

Land Use and Transportation Element Action Statement N1.1 – *Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

Land Use and Transportation Element Policy N1.3 – *Support a full spectrum of conveniently located commercial public and quasi-public uses that add to the positive image of the city.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project provides for residential access to telecommunications services while designing the facility to blend in with the residential character of the neighborhood.
2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District because the proposed design (as conditioned) will not negatively impact the surrounding residential properties and the RF emissions are substantially below federal limits.

Recommended Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- B. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- C. The Conditions of Approval shall be reproduced on the cover page of the plans submitted for a Building permit for this project.
- D. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- E. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- F. Any expansion or modification of the approved use shall be approved by separate application at a public hearing by the Commission.
- G. Every owner or operator of a wireless telecommunications facility shall renew the facility permit at least every five (5) years from the date of initial approval.
- H. Each facility must comply with any and all applicable regulations and standards promulgated or imposed by any state or federal agency, including but not limited to, the Federal Communications Commission and Federal Aviation Agency.
- I. Certification must be provided that the proposed facility will at all times comply with all applicable health requirements and standards pertaining to RF emissions.

- J. The applicant shall submit to the Director of Community Development Radio Frequency Emissions at least two reports of field measurements showing: 1.) The ambient level of RF emissions before construction of the facility and 2.) The actual level of emissions after the facility is in place and operating at or near full capacity. The measurements shall be taken at each property line.
- K. The owner or operator of any facility shall obtain and maintain current at all times a business license as issued by the city.
- L. The owner or operator of any facility shall submit and maintain current at all times basic contact and site information on a form to be supplied by the city. Applicant shall notify city of any changes to the information submitted within thirty (30) days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to the following:
 - 1.L.1.1. Identity, including name, address and telephone number, and legal status of the owner of the facility including official identification numbers and FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility.
 - 1.L.1.2. Name, address and telephone number of a local contact person for emergencies.
 - 1.L.1.3. Type of service provided.
- M. The owner or operator shall maintain, at all times, a sign mounted on the outside fence along Carlisle Way showing the operator name, site number and emergency contact telephone number.
- N. All facilities and related equipment, including lighting, fences, shields, cabinets, and poles, shall be maintained in good repair, free from trash, debris, litter and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed from any facility or equipment as soon as practicable, and in no instance more than forty-eight (48) hours from the time of notification by the city.
- O. Each facility shall be operated in such a manner so as to minimize any possible disruption caused by noise. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. on weekday nights. At no time shall equipment noise from any source exceed an exterior noise level of 60 dB at the property line.

- P. Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards set forth in the Telecommunications Ordinance.
- Q. The wireless telecommunication facility provider shall defend, indemnify, and hold harmless the city or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the city, its boards, commission, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project when such claim or action is brought within the time period provided for in applicable state and/or local statutes. The city shall promptly notify the provider(s) of any such claim, action or proceeding. The city shall have the option of coordinating in the defense. Nothing contained in this stipulation shall prohibit the city from participating in a defense of any claim, action, or proceeding if the city bears its own attorney's fees and costs, and the city defends the action in good faith.
- R. Facility lessors shall be strictly liable for any and all sudden and accidental pollution and gradual pollution resulting from their use within the city. This liability shall include cleanup, intentional injury or damage to persons or property. Additionally, lessors shall be responsible for any sanctions, fines, or other monetary costs imposed as a result of the release of pollutants from their operations. Pollutants means any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals, electromagnetic waves and waste. Waste includes materials to be recycled, reconditioned or reclaimed.
- S. Wireless telecommunication facility operators shall be strictly liable for interference caused by their facilities with city communication systems. The operator shall be responsible for all labor and equipment costs for determining the source of the interference, all costs associated with eliminating the interference, (including but not limited to filtering, installing cavities, installing directional antennas, powering down systems, and engineering analysis), and all costs arising from third party claims against the city attributable to the interference.
- T. No wireless telecommunication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end no facility or combination of facilities shall produce at any time power densities in any inhabited area that exceed the FCC's Maximum Permissible Exposure (MPE) limits for electric and magnetic field strength and power density for transmitters or any more restrictive

standard subsequently adopted or promulgated by the city, county, the state of California, or the federal government.

- U. Prior to building permit final, the applicant shall measure the noise from the ground equipment from the surrounding homes to ensure compliance with Sunnyvale Municipal Code standards.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain necessary permits from the Development Permit from the Department of Public Works for all proposed off-site improvements.

3. LANDSCAPING

- A. Landscape and irrigation plans shall be submitted to the Director of Community Development subject to approval by the Director of Community Development prior to issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy. The landscape plan shall include planting around fence at base of equipment.
- B. No trees shall be removed as part of this application.
- C. All surrounding landscaping shall be maintained in a neat, clean, and healthful condition.

4. LIGHTING

- A. Provide photocells for on/off control of all security and area lights.
- B. All exterior security lights shall be equipped with vandal resistant covers.
- C. Lights shall have shields to prevent glare onto adjacent residential properties.

5. SIGNS

- A. All new signs shall be in conformance with Sunnyvale Municipal Code